

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1332 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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GUNUBHAI J SHAHU

Versus

COLLECTOR & OTHERS

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Appearance:

MR SANJAY M AMIN for Petitioner  
MR MA BUKHARI ASSTT. GOVERNMENT PLEADER  
for Respondent No. 1, 2

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CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 10/09/97

ORAL JUDGEMENT

Heard Mr. Amin for the petitioner and Mr. Bukhari, AGP for the respondents. Rule had been issued in this matter on 7th May, 1997 and had been made returnable on 26th June, 1997.

2. After the matter was heard for sometime, Mr. Bukhari states that the petitioner will have to point out

to the respondent no.2 his interest in the concerned land and on his satisfying the respondent no.2 with respect thereto on the basis of supporting documents, the respondent no.2 will release 3/4 amount of the compensation which is so being released for other parcels involved on an adhoc basis. Mr. Bukhari states that as far as this particular concerned Survey No.104 is concerned, as per record of the respondent no.2, one Bhupatsinh Jabardan was holder of the land and it had been decided to give him the compensation. As against that, Mr. Amin says that this Bhupatsinh is the relative of the petitioner and in division between the two, this parcel of land is given to the petitioner and necessary entry was also made in revenue record. It will be for the petitioner to satisfy the respondent no.2 in this behalf.

3. Second request of Mr.Amin is that whereas the particular land has been taken over by the respondents some seven years before, the acquisition proceedings have not started. This is rather sorry state of affairs, but Mr. Bukhari states that, that is so because of the gigantic nature of project. Whatever it may be, it is desirable that the acquisition proceedings are commenced and completed expeditiously and the respondents will take steps accordingly.

Needless to state that the aforesaid payment and receipt of the adhoc amount will be subject to the final award of compensation. The petition is disposed of accordingly, Rule is made absolute accordingly, with no order as to costs.

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(ccs)